

Regulatory case report for Burnley College: Ongoing condition B3 investigation outcome

Summary

This report confirms that the Office for Students (OfS) has found Burnley College (the college) at increased risk of breaching ongoing condition B3 in relation to its continuation and progression outcomes for full-time, first degree students.

- For continuation, we concluded that the contextual factors submitted by the college did not adequately justify its performance, and found the college to be at increased risk of breaching the condition in the future.
- For progression, we found that while the contextual factors submitted by the college did justify its performance overall, we concluded there nevertheless remained an increased risk of the college breaching ongoing condition B3 in respect of this indicator in the future.

This report sets out our findings and our decision to impose a specific condition of registration (an ‘improvement notice’) requiring the college to take action to mitigate the increased risk of it breaching condition B3 in the future in relation to its continuation and progression outcomes for full-time, first degree students.

Background

Burnley College is a further education college located in Lancashire in the north-west of England. The college offers a range of higher education qualifications and access provision in collaboration with university partners and others.

The college was selected for assessment of its compliance with ongoing condition of registration B3 (student outcomes) as part of the OfS’s 2022-23 annual prioritisation cycle. As set out in Regulatory advice: 20: Regulating student outcomes,¹ each year the OfS decides:

- which student outcome measures, modes and levels of study we wish to prioritise
- whether we should focus on any particular split indicators, such as subject of study or student characteristics, or on any other themes, such as partnership arrangements
- how many cases we will assess in that year.

¹ Available at [Regulatory advice 20: Regulating student outcomes - Office for Students](#).

We published the final prioritised categories for 2022-23 in a statement on the OfS website in November 2022.² As part of its assessment cycle for student outcomes in 2022-2023, the OfS opened investigations into 12 higher education providers.

In relation to the prioritised categories, we were specifically concerned about the college's performance against the following indicators, in Table 1:

Table 1: Student outcomes dashboard data as of September 2022

Indicator/split indicator	Numerical threshold	Indicator value	Distance of indicator value from relevant numerical threshold	Proportion of statistical uncertainty distribution below numerical threshold	Denominator
Continuation					
Full-time First degree	80%	76.1%	-3.9% points	99.6%	770
Progression					
Full-time First degree	60%	49.8%	-10.2% points	91.7%	50

These two indicators formed the scope of our investigation into the college's compliance with the condition.

Investigation outcomes

In accordance with the OfS's guidance on regulating student outcomes (Regulatory advice 20), we engaged with the college and invited it to submit contextual information relevant to our assessment of its performance. Our engagement involved meeting with the college to discuss our request, provide further explanation about why it had been selected for assessment, and answer any other questions the college may have had.

The college's written contextual submissions to us included information relating to:

- the college's local context, the characteristics of its student body and the impact of the coronavirus pandemic on its students
- its holistic approach to student support, covering finances, health and wellbeing, and academic and pastoral elements
- its university partnership arrangements
- its quality assurance mechanisms
- historical data quality issues at the college

- programme-level data and analysis for full-time, first degree continuation outcomes
- data and analysis for full-time, first degree progression outcomes, and a critical review action plan for progression
- a series of student case studies about the destinations of former Burnley College students.

The OfS considered the extent to which this information satisfied us that the college's performance in relation to the indicators in scope was justified, despite being below the relevant numerical threshold.

Below we summarise some of the key submissions made by the college and the OfS's view of the issues, to illustrate our approach in reaching our decisions for this provider.

Local context, student characteristics and the coronavirus pandemic

The college's submission set out that its students are drawn from an area of high socioeconomic deprivation, with a majority of students being mature learners and many entering higher education from non-traditional backgrounds and with low levels of prior attainment at Level 2. The college also described how these characteristics exacerbated the challenges its students faced as a result of the coronavirus pandemic, involving issues such as digital poverty, caring and work responsibilities, and financial pressures.

While the OfS accepted that the coronavirus pandemic is likely to have created additional challenges, particularly for students from disadvantaged backgrounds, and therefore may explain some of the college's underperformance against our numerical thresholds, we did not overall consider that the college's student mix or the impact of the coronavirus pandemic afforded sufficient justification for its performance. This was because we concluded we had already adequately accounted for differences in student outcomes as a result of particular student characteristics or the impact of the pandemic in the following ways:

1. In setting the numerical thresholds underpinning condition B3, the OfS takes account of observable differences in past student performance where analysis shows that particular student, course or provider characteristics have historically been associated with outcomes that are worse than those of other students, once we have controlled for a range of other characteristics. Where appropriate, the OfS made a downward adjustment in setting the numerical thresholds, such that observable differences in student outcomes linked to particular student characteristics – which may otherwise contribute to a provider's underperformance – have been accounted for in setting the numerical thresholds against which performance is judged.
2. The OfS benchmark values² are calculated as a weighted sector average to allow meaningful comparison between similar types of students on similar types of courses in the sector to that of a particular provider. Benchmarks therefore help interpret a provider's actual performance relative to that in the sector overall once we have considered the mix of students at the provider or the provision being offered.

² See [Benchmarking - Office for Students](#).

We concluded that neither the college's student demographic nor the coronavirus pandemic offered sufficient justification for its underperformance. This was on the basis that:

1. The college was performing both below our numerical thresholds and below its corresponding benchmark values for both of the indicators in scope of our assessment.
2. We judged that the student characteristics referred to in the college's submission had been adequately accounted for in setting those thresholds and benchmarks. This includes, by extension, the intersection between specific student characteristics and the associated challenges linked to the pandemic when considering benchmark values for relevant years.

Student support

The college's submission included a section on its holistic approach to supporting students, setting out actions relevant to both indicators in scope of the OfS's investigation:

- Financial support to students through bursaries, means-tested learning funds or advance payments while a student awaits student finance; providing free breakfast and food parcels; advertising part-time jobs; and improved communication of the support available through monthly advice and guidance events, pre-enrolment messaging, and induction and drop-in sessions.
- A dedicated higher education Health and Wellbeing Officer, day-to-day drop-in and check-in sessions run by Higher Education Mental Health First Aiders, and piloting of a Higher Education Social Prescribing Scheme focusing on physical and mental health.
- Academic support through pastoral tutors and support officers, workshops (both timetabled and drop-in) to assist with referencing, academic writing and IT skills, and classroom and other support for those in receipt of or applying for Disabled Students' Allowances.
- Adapting timetables to accommodate school drop-offs and pick-ups, with further changes being implemented to offer additional support sessions to make them accessible to those who cannot currently attend.
- Investment in learning spaces and resources, including a dedicated higher education building and subsequent expansion into the college's main campus, increased access to learning resources and quiet study spaces, state-of-the-art and industry-standard facilities.
- A three-floor campus extension which will focus on skills development and provide 'real life' experiences to students.

The OfS recognised that the nature of these actions appeared reasonable in the context of the college's student body – we considered it reasonable, for example, that financial assistance, adjusted timetables and improved access to digital resources and facilities stood to benefit predominantly mature learners from predominantly deprived backgrounds. However, there was little evidence to suggest student support actions taken to date had been effective in sustainably improving outcomes. For instance, despite a substantial increase in financial support reportedly paid out by the college between 2016-17 and 2020-21, and the use of a dedicated higher education building since 2019, there was no discernible positive shift in the outcomes data. For example, while performance in relation to full-time, first degree continuation was above threshold in 2016-17, it dropped below threshold the following year and has remained so since.

We noted, however, that it was too early to see the impact of some of these actions, and so we considered whether they might credibly and sustainably improve the college's student outcomes in the future. We noted that the college's submission did not include any detail about the level of improvement these actions were expected to deliver and by when. The college's submission also did not set out how the implementation of these actions would be monitored and reviewed over time, and who was responsible for the relevant actions. We also considered that the lack of visible improvement brought about by previous student support actions reduced confidence in the college's future plans to improve. We therefore judged that the lack of detail in relation to these holistic student support actions, and the lack of progress in this area to date, meant the plans could not be considered capable of credibly and sustainably improving outcomes in an appropriate timeframe, and in a way that would justify the college's current performance below our numerical threshold.

Quality assurance mechanisms

The college's submission included a description of its quality assurance mechanisms, including its strategic approach to quality assurance, its course review process (including in-year monitoring, enhanced monitoring and critical review stages), its curriculum planning process, the review of quality assurance processes, triangulation of quality arrangements with partner institutions (including through validation, annual reviews and periodic reviews) and staff development.

From the information submitted, we judged these mechanisms to be broadly in line with practices elsewhere in the sector and capable, in principle, of assuring the quality of the college's provision. As the information was drawn quite generically, however, we placed limited weight on this description of quality assurance processes in principle, and instead considered insofar as possible the operation of these processes in practice. We therefore placed weight, for example, on the fact that, as discussed further below, the college's review processes (including an escalation into critical review) had not so far delivered effective or sustained improvement in relation to an allied health course despite significant review activity since 2017.

Historical data quality issues

The college's submission referred generally to historical data quality issues, for which it was subject to audit by the OfS in 2021 and 2022.

The OfS's 2021 audit reported 'no assurance', meaning it identified numerous widespread errors, indicating fundamental failures of the systems and processes in operation to manage student data at the time. The OfS's subsequent audit in 2022 reported 'moderate assurance', demonstrating that, while some remaining data quality issues were identified, the college had improved its handling of student data since the previous audit.

The college's submission also drew attention to the outcomes of a small number of students on two programmes having been incorrectly returned – the submission stated these students had been returned as non-continuing when in fact they had continued successfully. The college's submission included recalculated continuation rates when these errors were accounted for.

While we noted that accounting for these reported errors had some positive effect on the college's data, the overall impact was negligible – for example, neither correction led to an improvement above threshold for the relevant split indicator at an annual or aggregate level. We also noted that the number of student records affected was very small, such that we did not consider the nature of the errors material in the context of the college's student outcomes data as a whole. Furthermore,

in the absence of a formal data amendment request from the college, we were unable to verify whether these errors were genuine. For these reasons, we did not place weight on the specific data errors highlighted by the college in its submission, and instead we considered that the overall improvements the college had made to its data handling since the OfS's 2021 audit meant the college's data was sufficiently reliable for the purposes of our B3 assessment. We therefore concluded that data quality issues did not explain the college's performance below our numerical thresholds.

Full-time, first degree continuation

The college submitted a detailed breakdown of full-time, first degree continuation outcomes at a programme level, in particular identifying two allied health and social care courses as contributing substantially to its overall performance below the OfS's numerical threshold. It described the actions it had already taken, and planned to take, to address underperformance on these programmes. These included having moved one programme into critical review in 2021, following significant review activity since 2017. The college also referred to the impact of the coronavirus pandemic on continuation on these programmes, as some students reportedly no longer wished to pursue a career in health or care.

Additionally, the college identified challenges for continuation associated with the structure of certain collaborative provision, which required students to move from the Burnley College campus to a university partner campus to complete the final years of their programme. Students are reported to have struggled with this transition, and the college described having ultimately sought to resolve these issues by introducing new collaborative provision with different university partners which enables students to remain at the Burnley College campus for the duration of their studies.

We considered these contextual factors, and the actions the college had already taken and planned to take to address its underperformance, and we decided that they did not justify the below threshold performance. We placed weight on the fact that in the most recent year of data – relating to entrants in 2020-21 – the college's continuation outcomes for full-time, first degree students had fallen to 58.6 per cent (down from 72.2 per cent the previous year), materially below the OfS's numerical threshold of 80 per cent (see Table 2).

Table 2: Full-time, first degree continuation (Threshold = 80%)

Year of entrants	Indicator value (%)	Proportion of statistical uncertainty distribution below numerical threshold (%)
2016-17	80.5	44.7
2017-18	74.7	94.9
2018-19	77.7	80.0
2019-20	72.2	99.8
2020-21	58.6	100.0

We did not judge as credible the actions the college had taken to improve outcomes. This was because, while the college had already taken actions in relation to some programmes, these had not led to any noticeable improvement. For example, an allied health programme had been under

significant review since 2017 and was only moved into critical review in 2021 after it became clear that previous actions had not been effective in bringing about improved and sustained outcomes for its students. The latest data available to the OfS (relating to 2020-21 entrants) showed substantially worse performance on this programme compared with previous years, with only 26.2 per cent of students found to have continued successfully in that year.

The college's critical review action plan set out what appeared to be appropriate actions that may in principle be capable of securing some improvement in outcomes. However, a number of these actions had not been completed at the time of the college's submission in March 2023, and the submission elsewhere stated that the college expected to make a decision about the future of the programme in summer 2023. This was despite some actions in the critical review action plan likely having insufficient time to bed in, and other actions in the plan scheduled to run throughout the 2023-24 academic year. We questioned, therefore, the extent to which timelines had been appropriately set to allow the effectiveness of actions to be fully assessed. It is also the case that two of the overarching objectives of the plan relate to areas which the college identified as a focus for the significant review activity undertaken from 2017: students either not completing all first-year modules, or completing them but not continuing afterwards. The lack of sufficient and sustained progress in resolving these issues since 2017 therefore reduced our overall confidence that the plan would be capable of delivering the necessary improvements in the timeframes set out. We therefore considered that the lack of material improvement, despite significant review activity since 2017, meant we could not rely on the college's track record of bringing about improvement to judge the current plans credible.

While we await data to see what impact the college's critical review has had, the long-running nature of underperformance on this programme reduced our confidence in the overall effectiveness of the college's quality assurance mechanisms to improve student outcomes sufficiently, and in an appropriate timescale on this and other underperforming courses. Additionally, student numbers on this programme approximately doubled between 2017-18 and 2020-21, meaning the college recruited an increasing number of students onto it despite concerns over its performance being evident since the start of that period.

Furthermore, in relation to partnerships, we acknowledged that the college had taken steps to introduce new collaborative provision in response to the issue of students wishing to remain at Burnley College for the entirety of their programme. Our analysis demonstrated that where students were both taught and registered with the college, this generally equated to higher levels of continuation. However, our analysis also showed that some of this new collaborative provision is performing below the OfS's numerical threshold and, in spite of this, student numbers on such programmes had increased substantially between 2019-20 and 2020-21. It is also the case that the college continues to deliver several programmes requiring students to articulate to a university partner to complete their studies, which may continue to pose challenges for some students. Therefore, while actions the college has taken to date in relation to partnerships appear appropriate given the challenges it had identified, it remains to be seen how much improvement in outcomes they will generate in and of themselves or in combination with other actions.

As well as discontinuing courses and reintroducing others in their place with new partners to address challenges faced by students, the college's submission also referred to having discontinued other courses for other reasons, such as low recruitment or in response to labour market intelligence. OfS analysis considered the effect on the college's data of removing all discontinued courses, irrespective of the reason given, to consider the extent to which these

actions might improve outcomes in the future. While this analysis showed that actions around discontinuing courses did lead to some improvement in the college's data when these courses are removed, this is not consistently so. For most years, performance was better when the discontinued courses remain in the data. Furthermore, where data was improved by removing discontinued courses, the improvements are generally quite modest and the college remained below threshold in all years except 2016-17 (and, in this year, performance was above threshold even when discontinued courses were not removed).

The OfS had no concerns about the timing or rationale of any course closures – we did not, for example, think these closures were an attempt to avoid regulatory scrutiny. However, our analysis demonstrated that they had not led, and are unlikely to lead in the future, to substantial or sustained improvement in the college's student outcomes. We did not therefore consider them credible actions that would justify the college's performance in relation to its continuation full-time, first degree indicator.

Given the lack of evidence of historical actions having delivered substantial or sustained improvement in the college's outcomes, the uncertainty around the credibility of future actions to deliver sufficient improvement, and the substantial worsening in performance in the most recent year of data available, the OfS concluded that the college's performance below our numerical threshold was not justified by its context in respect of this indicator. We therefore judged the college to be at increased risk of a breach of the condition in the future.

We considered it proportionate to find the college at an increased risk of breaching the condition, rather than finding it to be in breach. This aligns with our commitment to undertake a 'light touch' approach in the first year of operation of the revised condition, which came into effect in October 2022. Although the OfS had previously been clear that we expected providers to deliver positive continuation outcomes for their students, we recognise that, as our assessment started in February 2023, the college has had a limited time period to respond specifically to the revised thresholds and condition. We therefore considered it was reasonable to allow providers more time to respond and generate improvements in their outcomes data. In future assessments, where providers have been afforded this opportunity and where context does not justify performance, we are less likely to consider it disproportionate to find a provider to be in breach of the revised condition on this basis or to consider imposing the full range of sanctions available to us. We would of course properly consider context and the particular circumstances of each case before reaching any findings.

Full-time, first degree progression

The college's submission set out that it identified the progression indicator as an area of critical review in 2022, following previous actions since 2017 having produced some but not sustained improvement in the college's performance. The college made available the action plan underpinning its critical review which, as well as activity to address underperformance against the OfS's threshold, includes a strategic focus on improving response rates and enhancing progression reporting to better evaluate the effectiveness of its progression-related activity.

Actions set out by the college in relation to this indicator include:

- an enhanced focus on career pathways in marketing literature
- permeating skills development at each year of study

- improving access to career advice, including by having recruited in 2022 a dedicated higher education information, advice and guidance officer, and
- liaising with local employers.

In December 2022, the college was also successful in securing £5.8 million of OfS capital funding towards a three-storey extension to an existing campus building. This extension would include an employability and skills hub and other specialist facilities. Work on this campus development is expected to be completed in 2024.

While the college remains below the OfS's numerical threshold in the most recent year of data, we judged the actions it planned to take to improve its performance are credible and therefore justify its performance. This is because we noted the college did have a track record of having previously improved outcomes in respect of this indicator: the actions taken in 2017 led to an improvement from 40 per cent for 2017-18 qualifiers to 50 per cent for 2019-20 qualifiers. (Improvements were greatest for 2018-19 qualifiers, where progression rates reached 58.9 per cent, albeit this improvement was not sustained the following year.) Furthermore, the college's campus development represents a significant commitment to improving the progression outcomes of its students. We also considered credible the college's plans around improving its progression reporting to better evaluate the impact of its progression-related activity, acknowledging this is likely to drive ever more targeted action to improve this indicator in the future.

The college's submission also included a set of ten student case studies, appearing to show former Burnley College students alongside their former study at the college and their current employment. While these case studies appeared to show positive progression outcomes – to the extent that all ten students appeared to have gained professional or managerial employment or progressed to higher-level study – the OfS did not place weight on these case studies when reaching our decisions. This is because, even if the OfS were able to verify the individual details of each of the case studies, they constitute only a small sample of the college's overall student population and therefore may not be representative of the outcomes achieved by the college's students as a whole. Furthermore, the students' year of graduation from the college was not given, such that it was unclear how much time had elapsed between students completing their programme and progressing in the way they had. (For comparison, the OfS's progression indicator, based on responses to the Graduate Outcomes survey, only considers the activities reported by qualifiers 15 months after graduating from their course.)

While we concluded that the plans the college has are credible, and therefore its performance in relation to this indicator is justified at this time, we deemed there to be an increased risk of a breach in the future. This was because the college continues to perform below our numerical threshold, and we noted some general weaknesses in the plans that the college should address (such as responsibility for some actions not being sufficiently clear and thus putting their implementation at risk). As the college is in receipt of significant OfS capital funding towards part of its plans to improve progression rates amongst its students, we also considered there to be a strong public interest in ensuring this funding delivers value for money both for students and taxpayers.

Conclusion

In relation to the college's continuation outcomes for full-time, first degree students, we judged that the contextual information available did not justify its performance below our numerical threshold. We did not judge that the actions the college had already taken had led to substantial and sustained improvement, and we concluded that actions planned for the future were also unlikely to deliver sufficient and sustained improvement in an appropriate timescale. We therefore found the college to be at increased risk of breaching the condition, rather than in breach of the condition, in line with our commitment to a 'light touch' approach in this first year, and to allow providers more time to respond and generate improvements in their outcomes data since the introduction of the condition in October 2022.

In relation to the progression indicator in scope of our investigation, we considered that while there remain concerns about the college's current level of performance, there was evidence of the college previously having improved outcomes and, despite some weaknesses, future actions do appear credible. We therefore concluded that the college's performance was justified in respect of this indicator but that there remained an increased risk of breach in the future until the effects of these actions can be verified in the data.

The OfS has therefore imposed on the college a specific ongoing condition of registration, which requires it to improve outcomes for both indicators in scope of our investigation to mitigate the increased risk we have found. The college is required to take targeted action to bring its performance in relation to these indicators to at or above the relevant OfS numerical thresholds, ahead of the OfS assessing the college's compliance with these requirements in spring 2028.